(4) திட்டக் கணக்கைச் சரிவர வைக்கவும் அலுவலகத்தைக் கவனிக்கவுமாக ஒரு நிர்வாக மற்றும் கணக்கு அலுவலராக ஒரு முதுநிலை கணக்கு அலுவலரை மாற்றுப் பணியில் பணியமர்த்தம் செய்யவும், தக்க மேல் நடவடிக்கை எடுத்து வருகிறது. வேலையிழந்த கலைக் களஞ்சிய ஊழியர்களை, தேவைக்கேற்பவும், தகுதிக்கேற்பவும், அரசு இத் திட்டத்தை செயல்படுத்தும்போது வேலைக்கு எடுத்துக்கொள்ள முயற்சி செய்யும்.

இரண்டாம் பதிப்பை வெளிக்கொண்டு வருவதற்கு ஏற்கனவே தமிழ் வளர்ச்சிக் கழகம் தயார் செய்துள்ள கைப்பிரதிகள், மற்றும் பிளாக்குகள் போன்றவைகளை அரசு எடுத்துக்கொள்ள அரசு நியமித்துள்ள கல்வித் துறை அதிகாரி தமிழ் வளர்ச்சிக் கழகத்துடன் தொடர்பு கொண்டு இப்பணியை முடிக்க நடவடிக்கை எடுத்து வருகிறார்.

இணைப்பு III.

[247 ஆம் பக்கத்தில் இனம் 5 (1)-க்கான அடிக்குறிப்பைக் காண்க.]

L.A. BILL No. 12 OF 1981

(As passed by the Assembly.)

A Bill to abolish the posts of part-time Village Officers in the State of Tamil Nadu.

WHEREAS the State Government are of the opinion that the system of part-time Village Officers is out-moded and does not fit in with the modern needs of village administration;

AND WHEREAS the State Government have, after careful consideration, taken a policy decision to abolish all the posts of part-time Village Officers on grounds of administrative necessity and to introduce a system of whole-time officers to be in charge of village administration;

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

1981 பிப்ரவரி 28]

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Abolition of posts of part-time Village Officers Act, 1981.

(2) It shall be deemed to have come into force on the 14 November 1980.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "appropriate authority" means any officer of the Revenue Department not below the rank of District Revenue Officer having jurisdiction over the revenue village within his district;

(*b*) "competent authority" means—

(i) in the Madras district the Personal Assistant (General) to the Collector of Madras; and

(ii) in other districts, the Revenue Divisional Officer having jurisdiction over the revenue village within his division;

(*c*) "Government" means the State Government;

(*d*) "law" includes any rule, by-law, regulation, notification scheme, form or order;

(*e*) "part-time Village Officer" means Village Headman (including Additional Village Headman), Village Karnam (including Chief Karnam and Additional Village Karnam) or Triune Officer appointed under—

(i) the Madras Proprietary Estates' Village Service Act, 1894 (Madras Act II of 1894) or the Madras Hereditary Village Officers Act, 1895 (Madras Act III of 1895);

(ii) the Board's Standing Orders;

(iii) the Tamil Nadu Village Officers Services Rules, 1970 or any other rules made under the proviso to Article 309 of the Constitution, or

(iv) any other law,

but does not include Grama Kavalar, Grama Paniyalar and Pasana Kavalar;

(*f*) "Village Administrative Officer" means an officer appointed under sub-section (1) of section 4.

3. *Abolition of the posts of part-time Village Officers and persons holding such posts to cease to hold office.*—The posts of part-time Village Officers in the State of Tamil Nadu are hereby abolished with effect on and from the date of the commencement of this Act and every person who holds the post of part-time Village Officers in any part of the State of Tamil Nadu shall, with effect on and from such date, cease to hold such post.

4. *Appointment of Village Administrative Officers.*—(1) Subject to the provisions of sub-section (2) and the rules made under section 6, the competent authority may appoint a person as Village Administrative Officer for one or more revenue villages.

(2) No person shall be eligible for appointment to the post of Village Administrative Officer unless he possesses the minimum general educational qualification referred to in rule 12 (*a*) (i) of Part II of the Tamil Nadu State and Subordinate Services Rules and prescribed in Schedule I to the said Part II.

(3) The Village Administrative Officer shall be a whole-time Government servant.

(4) The posts of Village Administrative Officers shall form a separate category in the Tamil Nadu Ministerial Service.

(5) The Village Administrative Officer, shall perform the duties relating to the collection of land revenue, taxes and other sums due to the Government, maintenance of village records and such other duties (including the implementation at the village level of the schemes of the Government) as may be assigned to him by the appropriate authority from time to time.

(6) The Government or any officer or authority authorised by them in this behalf may sanction, from time to time, the creation of such number of posts of Village Administrative Officers as may be necessary for the purpose of this Act.

5. *Amount to be paid on abolition of posts of part-time Village Officers*.—(1) Every person who ceases to hold the post of part-time Village Officer by reason of section 3, shall be paid an amount for the total service put in by him as part-time Village Officer and such amount shall be determined in accordance with the provisions of sub-section (2).

(2) The amount referred to in sub-section (1) shall be calculated at the rate of one-half of the monthly emoluments for every year of total service put in by the person referred to in sub-section (1).

Explanation.—For the purposes of this section,—

(*a*) where the total service,—

(i) includes a period which is a portion of a year; or

(ii) is a period less than a year,

the amount payable for the period referred to in sub-clause (i) or (ii), as the case may be, shall be an amount bearing to the amount payable for one year of total service, the same proportion as the said period bears to a period of one year of total service;

(*b*) "monthly emoluments" shall mean,—

(i) Honorarium;

(ii) Panchayat Development Allowance,

which were payable to the part-time Village Officer for the whole of the calendar month immediately preceding the date of the commencement of this Act, that is the month of October 1980, and

(iii) an amount equal to one-twelfth of the consolidated annual Travelling Allowance for the year ending with the 31st March 1980:

Proided that where the part-time Village Officer was on leave other than casual leave or was absent without authorisation, or was under suspension, during the whole or part of the month of October 1980, the monthly emoluments shall mean,—

(i) Honorarium; and

(ii) Panchayat Development Allowance,

which would have been payable to him for the whole of the said month of October 1980 but for such leave, absence or suspension, and

(iii) an amount equal to one-twelfth of the consolidated annual Travelling Allowance for the year ending with the 31st March 1980;

(*c*) " total service " shall not include any period during which a part-time Village Officer was—

(i) on leave other than casual leave, or

(ii) absent without authorisation, or

(iii) under suspension.

(3) (*a*) The competent authority shall, either *suo motu* or on an application made, determine by an order in writing the amount to be paid under sub-section (1) and such order shall, subject to an appeal under sub-section (6), be final;

(b) The application referred to in clause (*a*) shall be made by the person referred to in sub-section (1), or in the event of the death of such person, by his legal heir or heirs, within such time and in such form and manner as may be prescribed:

Provided that before passing an order under this sub-section, the competent authority shall give a reasonable opportunity of being heard to the person or persons concerned.

(4) The amount payable under sub-section (1) shall be paid within a period of six months,—

(*a*) in case where there is no appeal, from the date of the order of the competent authority under sub-section (3);

(*b*) in case where there is appeal, from the date of the order of the District Collector under sub-section (6).

(5) In the event of death of the person concerned before payment of the amount under sub-section (1), the amount remained so unpaid on his death, shall be paid to his legal heir or heirs.

(6) If any person is aggrieved by an order of the competent authority under sub-section (3), he may prefer an appeal to the District Collector within the prescribed period and the District Collector may pass an order on the appeal as he deems fit:

Provided that the District Collector may entertain the appeal after the expiry of the prescribed period if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time:

Provided further the District Collector shall, before passing the order on the appeal preferred to him under this sub-section, give a reasonable opportunity of being heard to the appellant.

(7) The order passed by the District Collector under sub-section (6) shall be final.

6. *Conditions of service of the Village Administrative Officer in a revenue village.*—Subject to the provisions of Article 311 of the Constitution, the Government may make rules regulating the recruitment and conditions of service of the Village Administrative Officers.

7. *Act to override other laws.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any law for the time being in force.

8. *Construction of references to Village Officers.*—In the application of any law, any reference to the Village headman, Additional Village headman, Village karnam, Chief karnam, Additional Village karnam, Triune Officer or Village Officer shall, unless the context otherwise requires, be deemed to be a reference to the Village Administrative Officer appointed in respect of one or more revenue villages under sub-section (1) of section 4 or a person appointed under section 14.

9. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order not inconsistent with the provisions of the Act as may appear to them to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as after it is made, be laid before each House of the Legislature.

10. *Removal of doubts*.—For the removal of doubts, it is hereby declared that nothing contained in this Act shall apply to—

(i) the posts of karnams which are held by whole-time Government servants in the City of Madras; and

(ii) the posts of Village Officers and Village Assistant which are held by the whole-time Government servants in the Kanyakumari district and Shencottah taluk of the Tirunelveli district.

11. *Certain pending proceedings to abate*.—(1) Subject to the provisions of sub-section (2), notwithstanding anything contained in any law for the time being in force,—

(*a*) all proceedings including appeals and revisions relating to the appointment of part-time Village Officers, and

(*b*) all departmental disciplinary proceedings including appeals and revisions against part-time Village Officers.

pending before any authority or Government on the date of the commencement of this Act shall abate.

(2) Nothing contained in sub-section (1) shall effect any criminal proceedings (including investigation, trial, appeal or revision) against part-time Village Officers in respect any offence falling under the Indian Penal Code (Central Act XLV of 1860) or under any other criminal law and accordingly all such criminal proceedings shall be instituted or continued.

12. *Power to make rules*.—(1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any

modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

13. *Penalty for not handing over of records and other properties of village administration.*—Notwithstanding anything contained in any other law,—

(*a*) any part-time Village Officer who ceases to be such part-time Village Officer under section 3, shall on demand, hand over immediately any records and properties of the village administration, which are in, or have come into, his possession or control, to the officer appointed under section 14;

(*b*) if any such part-time Village Officer fails to comply with the provisions of clause (*a*), he shall, on conviction by a Metropolitan Magistrate or a Judicial Magistrate of the First Class, be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

14. *Interim arrangement.*—Notwithstanding anything contained in sub-section (1) of section 4, until the Village Administrative Officers are appointed in respect of one or more revenue villages under sub-section (1) of section 4, the competent authority may, as an interim arrangement, appoint—

(i) any officer of the Revenue department not below the rank of a Junior Assistant and not above the rank of a Tahsildar; or

(ii) any officer of any other department of the Government, to discharge the functions of the Village Administrative Officers under this Act for one or more revenue villages.

15. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction in respect of any order passed by the competent authority, appropriate authority or District Collector and no stay or injunction shall be granted by a court in respect of any action

taken or to be taken by the competent authority, appropriate authority or District Collector, in pursuance of any power conferred by or under this Act.

16. *Repeal and saving*.—(1) The Tamil Nadu Abolition of Posts of Part-time Village Officers Ordinance, 1980 (Tamil Nadu Ordinance 10 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force on the 14th November 1980.

தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS